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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/065,477

10/22/2002

Werner Diez

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5663

30008

7590

09/28/2005

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EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,477

Applicant(s)

DIEZ ET AL.

Examiner

Bertrand Zeade

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15/07/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bingle et al.** (U.S.6,783,167) in view of **Hein et al** (U.S.6,536,928).

Regarding claim 1, **Bingle et al.** discloses a safety system for closed compartment of a vehicle having:

- a frame or mounting plate (1718, figs. 16A/16B) having a frame opening and defining an interior of the interior light assembly;
- at least one lens (1720, figs. 16A-16B) connected to the frame or mounting plate (1718, fig. 16B) and filling out the frame opening;
- at least one electroluminescent film (col. 15, lines 42-53) of the interior light assembly, so that light emitted by the at least one electroluminescent film (col.

15, lines 42-53) passes from the interior through the at least one lens arranged in the frame opening for illuminating a vehicle interior.

Regarding claim 2, the at least one electroluminescent film (col. 15, lines 42-53) is attached inherent to a backside of the at least one lens (1720, figs. 16A-16B) facing the interior of the interior light assembly.

Regarding claim 3, the at least one electroluminescent film (col. 15, lines 42-53) has inherent a contour identical to a contour of the at least one lens (1720, figs. 16A-16B).

Regarding claim 4, the frame (see figs. 16A-16B) surrounds the at least one lens (1720).

Regarding claim 5, Bingle et al. (U.S.6,783,167) discloses the claimed invention except for two lenses. Claim 5 is directed to a vehicle interior lighting device having two lenses which are not solving a specific problem in illumination of the interior of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use one lens for two lights (as cited in claims 5 and 6), since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, claim 5 has no patentable significance unless a new and unexpected result is produced.

Regarding claim 6, the first lens (1716, fig. 16A) for the at least one illumination element is smaller than the second lens (1720, fig. 16A) for the at least one electroluminescent film (col. 50, lines 15-20).

Regarding claim 7, the first lens for the at least one illumination element has a backside facing the interior of the interior light assembly and provided at least partially with at least one optic (col. 35, lines 36-38).

Regarding claim 9, the at least one illumination element is an incandescent light bulb (col. 15, lines 42-53).

Bingle does not disclose a combination of illumination devices.

However, **Hein et al.** discloses a vehicle interior lighting having at least one illumination element and at least one electroluminescent lamp (col.3, lines 12-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the safety system of **Bingle** with the vehicle interior lighting taught by **Hein**, since **Hein's** vehicle interior lighting would provide **Bingle** with the lighting system including one or more light emitting sources, which can be mounted at any suitable location in a vehicle interior, such that the light emitting source is useful in assisting the driver or passenger to find something on the floor when the vehicle is parked.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bingle et al.** in view of **Hein** as applied to claim 7 above, and further in view of **Tuttle et al.** (U.S.6,280,480) B1.

Bingle in view of **Hein** discloses the claimed invention except for serrations.

However, as shown in (fig. 11), **Tuttle et al.** discloses a vehicle light assembly having at least one optic that is comprised of serrations (136, fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the safety system of **Bingle** in view of **Hein** with serrations taught by **Tuttle**, since **Tuttle's** serrations would provide **Bingle** in view of **Hein** with a plurality of serrations having an optical unit thereby enhancing the proportion of light from the light source, and reduces the proportion of available light lost to scattering from the source.

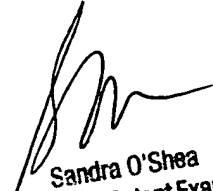
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner



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